



DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

WESTERN ASSOCIATION OF FISH AND WILDLIFE AGENCIES
dba WAFWA
522 NOTRE DAME COURT
CHEYENNE, WY 92009
U.S.A.

2. AUTHORITY-STATUTES

16 USC 1539(a)
16 USC 1533(d)

REGULATIONS

50 CFR 17.22
50 CFR 17.32

50 CFR 13

3. NUMBER

TE27289B-0

4. RENEWABLE

☒ YES
☐ NO

5. MAY COPY

☒ YES
☐ NO

6. EFFECTIVE

02/28/2014

7. EXPIRES

02/28/2044

8. NAME AND TITLE OF PRINCIPAL OFFICER *(If #1 is a business)*

CARTER SMITH
PRESIDENT

9. TYPE OF PERMIT

NATIVE ENDANGERED & THREATENED SP. CANDIDATE
CONSERVATION - E & T WILDLIFE

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

11. CONDITIONS AND AUTHORIZATIONS:

- A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.
- B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL, TRIBAL, OR OTHER FEDERAL LAW.
- C. VALID FOR USE BY PERMITTEE NAMED ABOVE.

☒ ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

ANNUAL REPORT DUE: 03/31

ISSUED BY

TITLE

DEPUTY REGIONAL DIRECTOR, REGION 6

DATE

02/28/2014

SPECIAL TERMS AND CONDITIONS FOR
Western Association of Fish and Wildlife Agencies
Range-wide Oil and Gas Candidate Conservation Agreement with Assurances
for the Lesser Prairie Chicken
TE27289B-0

Species: **Lesser Prairie Chicken** (*Tympanuchus pallidicinctus*)

This permit authorizes the following activities in **Colorado, Kansas, New Mexico, Oklahoma, and Texas** through **02/28/2044** under the following conditions:

- D. The person named in box 8 on the face of this permit is responsible to ensure that the activities of all individuals are in compliance with the terms and conditions of this permit. Only individuals on the attached List of Authorized Individuals are approved to conduct activities pursuant to this permit.**
- E. Acceptance of the permit serves as evidence that the Western Association of Fish and Wildlife Agencies (WAFWA) understands and agrees to abide by the terms and conditions of the permit and all applicable Sections of Title 50 Code of Federal Regulations (CFR) Parts 13 and 17 pertinent to issuance of this permit.
- F. WAFWA shall be responsible for fully implementing and administering the Range-wide Oil and Gas Candidate Conservation Agreement with Assurances for the Lesser Prairie Chicken (CCAA).
- G. Terms and conditions of the permit shall be binding on, and for the benefit of, WAFWA and its successors and assigns, as well as Participants that hold valid Certificates of Inclusion (CI).
- H. The authorization granted by the permit is subject to full and complete compliance with and implementation of the CCAA and all specific terms and conditions contained in this permit. These permit terms and conditions supersede and take precedence over any inconsistent provisions in the CCAA or other documents associated this permit.
- I. The authorization granted by the permit is subject to full and complete compliance with any applicable local, State, or Federal law, regulation, or restriction governing the covered area and activities and those conservation measures (as described within the CCAA) pertaining to, but not limited to, wildlife, land use, water quality, air quality, local economy, and cultural resources.
- J. WAFWA may enroll non-Federal participants under the CCAA and this permit through the issuance of CIs. The following conditions apply:
- a. Participants shall fully implement required conservation measures for the species, as described in the CCAA.
 - b. WAFWA is responsible for ensuring that activities of all Participants enrolled through CIs are in compliance with the terms and conditions of this permit. Only WAFWA, individuals under its direction, and Participants enrolled in a CI are authorized for incidental take as described herein.
- K. Incidental take authorization specified in this permit will become effective, if and at such a time that the LEPC becomes listed as either threatened or endangered under the Endangered Species Act.
- L. Incidental Take Authorization: Incidental take of lesser prairie chicken is authorized for 8,530 birds, in the form of harm, harass, and mortality, through the expiration date of this permit. Due to the difficulty in detecting take of birds, the authorized take shall be exceeded if:
- a. at 10 years from the effective date of this permit, more than 622,272 acres are developed by oil and gas activities within the Covered Area,
 - b. at 20 years from the effective date of this permit, more than 1,244,545 acres are developed by oil and gas activities within the Covered Area,
 - c. at 30 years from the effective date of this permit, more than 1,866,855 acres are developed by oil and gas activities within the Covered Area.
- M. The following conditions apply to this incidental take authorization provided through this permit:

- a. WAFWA shall submit to the U.S. Fish and Wildlife Service (Service) by July 1, 2014, the 2014 LEPC population survey results and a report of the current number of Habitat Units and Offset Units (as defined on pp. 257-258 of Van Pelt, W.E., S. Kyle, J. Pitman, D. Klute, G. Beauprez, D. Schoeling, A. Janus, and J.B. Haufler. October 2013. The Lesser Prairie-Chicken Range-wide Conservation Plan. Western Association of Fish and Wildlife Agencies. Cheyenne, Wyoming.) (Range-wide Plan). If the survey results indicate a 20 percent decline in the species from the 2013 population estimate (14,092 birds or less), the following terms and conditions apply to the level of authorized take until March 30, 2015.
 - i. No more than 5,109 Habitat Units of unmitigated take are authorized in CHAT 1, (as defined in Figure 4 of the Range-wide Plan) from the effective date of this permit through March 30, 2015. During that period, if any take of Habitat Units is documented to be fully offset, further take of Habitat Units is authorized as long as the unmitigated limit of 5,109 Habitat Units is not exceeded.
 - ii. No more than 7,664 Habitat Units of unmitigated take are authorized in CHAT 2 from the effective date of this permit through March 30, 2015. During that period, if any take of Habitat Units is documented to be fully offset, further take is authorized as long as the unmitigated limit of 7,664 Habitat Units is not exceeded.
 - iii. No more than 11,495 Habitat Units of unmitigated take are authorized in CHAT 3, from the effective date of this permit through March 30, 2015. During that period, if any take of Habitat Units is documented to be fully offset, further take is authorized as long as the unmitigated limit of 11,495 Habitat Units is not exceeded.
 - iv. WAFWA shall provide reports to the Service every four months after July 1, 2014, and through March 30, 2105, with documentation of the level impacted Habitat Units and credited Offset Units in each of CHATs 1-3.

N. If, during the tenure of this permit, the project design and/or the extent of the habitat impact described in the CCAA is altered, such that there may be an increase in the anticipated take of the LEPC identified in this permit, WAFWA is required to contact the Service and initiate a request for an amendment of the permit before commencing any activities that might result in incidental take or habitat loss beyond that described in the this permit, Environmental Assessment (EA), and/or Conference Opinion.

O. Reporting: Annual reports, as described in Section XX of the CCAA, shall be provided each year the CCAA is in effect by **March 31st** to the appropriate Ecological Services and Law Enforcement offices of the U.S. Fish and Wildlife Service (Service) (see List of Contacts below).

P. Upon locating any dead, injured, or LEPC, WAFWA and/or Participants shall, within 3 working days, notify the appropriate Service office (see List of Contacts below). Instructions for proper handling and disposition of such specimens shall be given by the appropriate Service office. Care must be taken in handling sick or injured birds to promote effective treatment, and in handling dead specimens to preserve biological material in the best possible state.

Q. Assurances: The assurances provided for in the CCAA through this permit are those in 50 CFR 17.22(d)(5) or 17.32(d)(5), as applicable. These assurances apply to WAFWA and all participants that are fully implementing their commitments under the CCAA and CIs, respectively.

List of Contacts:

U.S. Fish and Wildlife Service Ecological Services

Colorado Ecological Services Field Office (ESFO), 134 Union Blvd., Ste. 670, Lakewood, CO 80228;
(303) 236-4773

Kansas ESFO, 2609 Anderson Ave., Manhattan, KS 66502;
(785) 539-3474

Oklahoma ESFO, 9014 East 21 St., Tulsa OK 74129;
(918) 382-4501;

Austin, Texas ESFO, 10711 Burnet Rd., Suite 200, Austin, TX 78758;
(512) 490-0057

Arlington, Texas ESFO, 2005 NE Green Oaks Blvd., Suite 140, Arlington, TX 76006;
(817) 277-1100

New Mexico ESFO, 2105 Osuna NE, Albuquerque, NM 87113;
(505) 346-2525

U.S. Fish and Wildlife Law Enforcement

Colorado Law Enforcement Office (LEO), 9297 South Wadsworth Blvd., Littleton, CO 80128;
(720) 981-2777

Kansas LEO, 1712 North Nelson Dr., Unit A, Derby, Kansas 67037;
(316) 788-4474

For Oklahoma, Texas, and New Mexico:

Special Agent in Charge, Law Enforcement, P.O. Box 329, Albuquerque, New Mexico 87103;
(505) 248-7895

bcc: ES/CO
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Permit file
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Konishi/02/27/2014